

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

Paper No. 46

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte YOSHIHARU KURODA et al.

**Appeal No. 2005-0437
Application 08/942,415**

MAILED

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**U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

ORDER REMANDING TO EXAMINER

A Reply Brief (Paper No. 43) was filed on June 3, 2005 in response to an Examiner's Answer entered on April 15, 2004 (Paper No. 42), along with a Request for Oral Hearing (Paper No. 43 1/2).

In accordance with the new rules effective September 13, 2004, Title 37, Code of Federal Regulations, § 41.43 states:

(a)(1) [T]he primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Appeal No. 05-0437
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Accordingly, it is

ORDERED that the application be remanded to the examiner for consideration of the Reply Brief filed on June 3, 2004, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

**BOARD OF PATENT APPEALS
AND INTERFERENCES**


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